

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

EVERTON EVERALL THOMAS,

Plaintiff,

V.

KILOLO KIJAKAZI, *in her Official Capacity
as Acting Commissioner of the Social Security
Administration,*

Defendant.

1:23-cv-1063-DII

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Susan Hightower concerning Defendant Kilolo Kijakazi's (in her Official Capacity as Acting Commissioner of the Social Security Administration, "Defendant") Motion to Dismiss, (Dkt. 3). (R. & R., Dkt. 8). Plaintiff Everton Everall Thomas ("Plaintiff") filed objections to the report and recommendation. (Objs., Dkt. 11).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Plaintiff objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Plaintiff's objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Susan Hightower, (Dkt. 8), is **ADOPTED**.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss, (Dkt. 3), is **GRANTED**.

IT IS FINALLY ORDERED that Plaintiff's claims against Defendant are **DISMISSED** for lack of subject matter jurisdiction.

The Court will enter final judgment by separate order.

SIGNED on February 27, 2024.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE